



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,523	09/30/2003	James Fredrick Parker	HSJ920030063US1	6087

42640 7590 03/11/2008
DILLON & YUDELL LLP
8911 NORTH CAPITAL OF TEXAS HWY
SUITE 2110
AUSTIN, TX 78759

EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT	PAPER NUMBER
----------	--------------

3691

MAIL DATE	DELIVERY MODE
-----------	---------------

03/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,523	Applicant(s) PARKER ET AL.	
	Examiner KELLY CAMPEN	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (US20040073507). Scott et al. disclose a computer implemented method for supplier

Art Unit: 3691

management and computer price negotiation, said method comprising the steps of: maintaining a database listing possible suppliers for a specified assembly component; hierarchically ranking said possible suppliers within said database utilizing a plurality of scoring parameters; automatically selecting a limited number of possible suppliers based upon said hierarchical rankings; issuing an invitation to a bidders conference to each of said limited number of possible suppliers; and negotiating a final price and selecting a designated supplier for said specified assembly component following said bidders conference (see page 4-8) but does not specifically disclose specifying to each of said limited number of possible suppliers an identity of all of said limited number of possible suppliers. Scott et al. teaches including information regarding the new supplier's winning bid indicating that selective existing suppliers may be notified [specifying to each of said limited number of possible suppliers] of the existence and probably the identity of the new suppliers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to specifically specify to each of the limited number of possible suppliers an identity of all the limited number of possible suppliers because Scott et al. teach identifying new winning bids by new suppliers to select existing suppliers (see paragraph [109] and figures 2-5)

Specifically as to claim 2 wherein said step of hierarchically ranking said possible suppliers within said database using a plurality of scoring parameters includes the step of hierarchically ranking said possible suppliers based in part upon previous business experience with each possible supplier (see page 4-8, 9).

Specifically as to claim 3, wherein said step of hierarchically ranking said possible suppliers within said database using a plurality of scoring parameters includes the step of hierarchically

Art Unit: 3691

ranking said possible suppliers based in part upon confidence in stated pricing for each possible supplier (see page 9-10).

Specifically as to claim 4 wherein said step of hierarchically ranking said possible suppliers within said database using a plurality of scoring parameters includes the step of hierarchically ranking said possible suppliers based in part upon demonstrated manufacturing performance for each possible supplier (see page 9 and 10).

Specifically as to claim 5 wherein the step of automatically selecting a limited number of possible suppliers based upon said hierarchical ranking comprises the step of selecting at least a top three hierarchically ranked possible suppliers (see page 4, 8, 10, 11-13).

Specifically as to claim 6 further including the step issuing a Request for Quotation (RFQ) for said specified assembly component prior to hierarchically ranking said possible suppliers within said database utilizing a plurality of scoring parameters (see page 4, 8-9, 11-13).

Specifically as to claim 7 further including the step of reissuing said Request for Quotation (RFQ) for said specified assembly component after automatically selecting a limited number of possible suppliers based upon said hierarchical rankings (see page 6, 12).

Specifically as to claim 8 further including the step validating responses received to said reissued Request for Quotation (RFQ) utilizing cost estimates (see page 6).

Response to Arguments

Applicants' amendments to the title, Brief description to the drawings and abstract have overcome the Objections to the Specification.

Art Unit: 3691

Applicant's amendments have overcome the 35 USC. 112 2nd paragraph rejection as such, these rejections have been withdrawn.

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLY CAMPEN whose telephone number is (571)272-6740. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kelly S. Campen/
Examiner
Art Unit 3691

Application/Control Number: 10/675,523
Art Unit: 3691

Page 6